

Paralegal Freelancing – Is It For You?

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Is your favorite song “Take this Job and Shove it?” I had thought of that song many times over the years before I took action. The change came when my former company was in the process of being sold and things at work had taken a dramatic turn for the worse. It suddenly occurred to me that perhaps I could do from my home office, what I was doing at my corporate job, for any U.S. Intellectual Property attorney.

I wanted to work from home, so I started researching the possibility. First I checked the Martindale Hubble directory and saw that there were over 20,000 U.S. Intellectual Property attorneys. I believed it would be possible to attract enough business from that list. Knowing there was a potential market for my virtual trademark paralegal services, I continued with my due diligence and began working on my business plan. Through my research I discovered that competition among virtual trademark paralegals was practically nonexistent. I didn’t realize it then, but I was about to become a virtual paralegal pioneer!

The definition of “freelance” is “a self-employed person who pursues a profession without a long-term commitment to any particular employer.” All virtual paralegals are freelance paralegals, but not all freelance paralegals are virtual paralegals. Virtual paralegals perform their work through the Internet (usually from their own home office). Working as a freelance paralegal is working either from your own home office or from someone else’s office as an independent contractor.

The advantages for an attorney to use a freelance paralegal are numerous and include: the attorney pays no temporary agency fees, extra equipment and office supplies, office space or other employee costs such as sick days, paid vacation, paid holidays, overtime pay, health insurance, training, workers compensation insurance, unemployment insurance, social security and other taxes, retirement, or employee down time. That’s quite a savings! And best of all, attorneys’ clients can be billed by the work performed by a freelancer.

Freelancers can be hired on a daily basis or sporadically to meet deadlines and assist with overburdened workloads or to provide coverage for staff absences, including personnel leaves and hiring freezes. They are also hired for a special project, such as due diligence matters.

When considering your freelance options, you need to analyze whether your specialized area of law is one that you would be able to do either freelance or virtually. In order to begin your own business, you should have at least five to six years experience in your area of law. Some areas of law easily lend themselves to freelancing, but others may not.

For instance, it is easy to do Intellectual Property virtually or freelance, because most, if not all of it can be done online. Similarly, Bankruptcy law also works nicely for virtual or freelance paralegals. Litigation, however, is one area of law that would work for a freelance paralegal, but might not work as well for virtual paralegal work.

As a freelance paralegal you must make certain you work under the direct supervision of an attorney in order to avoid the unauthorized practice of law. In Ohio, it is particularly important because paralegals are unable to obtain errors and omissions insurance. If you have a website, you will need to add a disclaimer. Following is the disclaimer I have published on my website:

“Ohio law prohibits paralegals from offering services directly to the public. eTrademark Paralegal Services, LLC is not a law firm, nor is it licensed to practice law or authorized to provide legal advice. It does not offer legal advice or assistance and does not accept legal fees for legal advice. It is not staffed by attorneys and is not a substitute for an attorney or a law firm. All services of eTrademark Paralegal Services, LLC are under the supervision of a licensed attorney.”

You will need to check your specific state’s law for the appropriate wording of your disclaimer. Despite my disclaimer, however, I still receive numerous e-mails and telephone calls from non-attorneys who find me through my website and want help with all types of legal problems in order to avoid paying attorneys’ fees. I always tell them I am a trademark paralegal and only work under the supervision of trademark attorneys. If I’m able to refer them to someone I know that can help them, I will.

One of the first things you will want to do is decide on the name of your business and then do a business name search on your Secretary of State’s website. Next you will want to see if the name you have chosen is available as a domain name. As soon as the name is decided and your preliminary research has indicated your business idea has potential, you will want to file your corporate papers with your Secretary of State.

As you begin your business, you will incur several basic expenses such as a computer, software, printer, fax, scanner, copier, business telephone, business stationery and business cards, a website created by you or a graphic designer, domain name fees, association fees (at a minimum your local bar and paralegal associations and state bar association) and marketing and advertising expenses. You can pare down this list for your own business, but I have needed everything listed for eTrademark Paralegal Services, LLC. Fortunately, prices for office equipment have decreased dramatically in recent years.

Marketing is easier today with an abundance of social networking available -- Twitter, LinkedIn, Facebook, as well as other professional blogs. You could start your own blog, as well. You will also find a lot of support including freelance paralegal discussion groups, associations and mentors, including conferences, seminars and meetings (both in person and online) with other paralegals or attorneys for networking or keeping updated in your specialized area of law.

Besides the above marketing suggestions, in order to do a diversified job of marketing, you need to consider other avenues. That might include writing articles for publication on a subject of interest to paralegals or attorneys, which you can also put on your website. Your marketing could also include meeting others for lunch or cross-linking your website to others' websites. The marketing activities you pursue depend on your particular business and area of law.

Since it is illegal to market via e-mail, unless you are granted permission, this isn't a form of marketing I utilize. I personally don't believe that attorneys like to be interrupted with sales calls – in person or on the phone -- so I don't engage in any cold calling. You may feel differently about this, and you may want to consider it for your business.

In the first year of my business I sent letters every week to Intellectual Property attorneys all over the U.S.; surprisingly, this activity proved to have a very low response rate. My website statistics show I am getting more activity on my website now than when I sent out my letters. By utilizing online social networking and marketing I found I have created a presence on the Internet and most clients find me through Google. Consequently, since I'm a virtual paralegal, I do most of my marketing online and my business is also listed as an approved vendor on a law association's website.

It may take several months for you to get your marketing diversified as there are so many avenues to explore. You can anticipate that during the first year or two after you start your business, you may not generate sufficient income. A second income, such as a spouse's income, a part time job, a temporary assignment with an agency or if you are old enough, collecting social security, may be possible options for you.

In addition, it's also a good idea to create multiple streams of income doing things you really love to do. I have a list of ten profit centers I can work on when my virtual paralegal service is slow. One of my skills is to locate people on the Internet and I'm currently working on a business plan for that. Writing is another profit center. Do what you enjoy and the profits will follow.

Freelancing comes with both challenges and rewards. Some challenges include inconsistent income, fixed monthly business expenses such as telephone and advertising, lack of daily interaction with co-workers (in some offices, this could be an advantage), total responsibility for the success of your business, having to work long hours if the business requires it, and continual marketing.

One challenge I didn't anticipate when I started my business was that in this economy some attorneys are now performing paralegal duties in addition to their own. When I was in the corporate world, I was responsible for everything related to my corporation's Intellectual Property. The attorney I supported was responsible for the more important corporate legal issues. So I was very surprised to discover that some attorneys were doing paralegal work. Also due to the downsizing in law firm and corporations, attorneys

are now applying for “paralegal positions” and getting hired. That makes it much more difficult for freelance paralegals to generate business.

Some of the rewards of being a freelancer include being able to arrange your day around whatever interests you. For instance taking a walk, watching TV, going to a movie, reading a book or creative pursuits can all be worked into your day. Another advantage is being able to make appointments throughout the day, rather than before or after work. You can always work on your business in the evening, if you prefer, and the work will be ready when your West Coast clients turn on their computers in the morning.

Most people are not prepared to be their own boss. They spend most of their lives being an employee and being “taken care of” by the employer. In the 1970’s we referred to corporate attorneys as “kept men” (all of them were men at that time.) That’s because they were well taken care of by the corporation with great salaries, including bonuses and special benefits. When you are an employee everything is taken care of for you. But when you are your own boss, you are responsible for every aspect of your business – and its success or failure is on your shoulders.

So, do your homework and make sure freelancing is right for you before you say “Take this Job and Shove It” or in the future you could be singing either “9 to 5” or “Takin Care of Business.” The choice is yours!